
1 **APPROVED MINUTES OF MEETING**
2 **CALIFORNIA LAW REVISION COMMISSION**
3 **November 19, 2020**

4 A meeting of the California Law Revision Commission was held on
5 November 19, 2020. Consistent with Executive Orders N-25-20 and N-29-20, the
6 meeting was held as an online video webinar.

7 Only those members of the public who expressly consented to inclusion in
8 the Minutes are listed as attendees.

9 **Commission:**

10 *Present:* Crystal Miller-O'Brien, Chairperson
11 Richard Simpson, Vice-Chairperson
12 David A. Carrillo
13 Ana Cubas
14 Victor King
15 Jane McAllister
16 Richard Rubin

17 *Absent:* Assembly Member Ed Chau
18 Senator Richard D. Roth

19 **Staff:** Brian Hebert, Executive Director
20 Barbara Gaal, Chief Deputy Director
21 Kristin Burford, Staff Counsel

22 **Other Persons:**

23 Michael Amster
24 Linda Brown
25 Louie Brown
26 Debbie Cochrane, The Institute for College Access and Success (TICAS)
27 Alex Graves, Association of Independent California Colleges and Universities
28 (AICCU)
29 Elaine Roberts-Musser
30 Catalina Sanchez
31 Tom Vu, Association of Independent California Colleges and Universities

CONTENTS

1	Approval of Actions Taken.....	2
2	Minutes	2
3	Administrative Matters	2
4	Report of Executive Director	2
5	Commissioner Suggestions	2
6	Meeting Schedule.....	2
7	New Topics and Priorities	3
8	Study E-200 – Recodification of Toxic Substance Statutes	3
9	Study J-1407 — Statutes Made Obsolete by Trial Court Restructuring (Part 8):	
10	Judicial Benefits.....	4
11	Study L-3032.5 — Stock Cooperatives and the Uniform TOD Security Registration Act	5
12	Study X-100 — Emergency-Related Reforms.....	5

APPROVAL OF ACTIONS TAKEN

Unless otherwise indicated, the Commission decisions noted in these Minutes were approved by all members present at the meeting. If a member who was present at the meeting voted against a particular decision, abstained from voting, or was not present when the decision was made, that fact will be noted below.

MINUTES

The Commission considered Memorandum 2020-57, presenting draft Minutes for the October 15, 2020, meeting.

The Commission approved the Minutes, without change.

ADMINISTRATIVE MATTERS

Report of Executive Director

The Executive Director had nothing significant to report.

Commissioner Suggestions

No suggestions were made.

Meeting Schedule

The Commission considered Memorandum 2020-58, which discussed the Commission’s meeting schedule for 2021.

The Commission approved the following meeting dates:

1 Thursday, January 21, 2021
2 Thursday, February 25, 2021
3 Friday, March 26, 2021
4 Thursday, April 22, 2021
5 Friday, May 21, 2021
6 Thursday, June 24, 2021
7 Thursday, July 22, 2021
8 Thursday, August 26, 2021
9 Thursday, September 23, 2021
10 Friday, October 22, 2021
11 Thursday, November 18, 2021
12 Thursday, December 16, 2021

13 In future years, the staff will informally canvass Commission members about
14 their availability, before preparing a proposed meeting schedule.

15 **New Topics and Priorities**

16 The Commission considered Memorandum 2020-59, which discusses the
17 Commission's scope of authority, the process of obtaining additional authority,
18 and related matters. The memorandum was informational. No Commission
19 action was required or taken.

20 The Commission also considered Memorandum 2020-60 and its First
21 Supplement which presented the question of whether the Commission should
22 request authority to study interstate reciprocity for higher education distance
23 learning. The Commission will do so, using the language set out on page 2 of
24 Memorandum 2020-60.

25 **STUDY E-200 – RECODIFICATION OF TOXIC SUBSTANCE STATUTES**

26 The Commission considered Memorandum 2020-62 and its first Supplement,
27 discussing the Commission's tentative recommendation.

28 The Commission made the following decisions:

- 29 • The list of issues for possible future study will be expanded to
30 include issues that were discussed in Notes in the tentative
31 recommendation, but could not be resolved in this study (see, e.g.,
32 Exhibit, pp. 1-4). The listed issues will not be limited to those that
33 are appropriate for future work by the Commission.
- 34 • The staff will present revised language for proposed Health and
35 Safety Code Section 68200 that is more consistent with the Director
36 of Finance's role in the state budget process.

- 1 • Proposed Health and Safety Code Section 68020 will not be
2 changed. (*Commissioner Rubin was not present when this decision was*
3 *made.*)
- 4 • Proposed Health and Safety Code Section 68105 will be revised as
5 presented on page 14 of Memorandum 2020-62. (*Commissioner*
6 *Rubin was not present when this decision was made.*)
- 7 • The question of whether proposed Section Health and Safety Code
8 68210 should be adjusted to reflect current conditions will be
9 included on the list of issues for possible future study.
10 (*Commissioner Rubin was not present when this decision was made.*)
- 11 • With the exception of proposed Health and Safety Code Section
12 68200 (discussed above), the Commission approved the staff's
13 recommendations on all of the proposed consent items.
14 (*Commissioner Rubin was not present when this decision was made.*)
- 15 • The recommendation will recodify Health and Safety Code Section
16 25359.20 as a single section, with only minimal, necessary changes
17 to its language. The question of whether this provision should be
18 amended to reflect the decision in *Boeing Co. v. Movassaghi*, 768
19 F.3d 832 (2014), will be included on the list of issues for possible
20 future study. (*Commissioner Rubin was not present when this decision*
21 *was made.*)

22 STUDY J-1407 — STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING
23 (PART 8): JUDICIAL BENEFITS

24 The Commission considered Memorandum 2020-59, on revising some
25 statutes relating to judicial benefits to remove material made obsolete by trial
26 court restructuring. For purposes of a tentative recommendation, the
27 Commission made the following decisions:

- 28 • Articles 9, 16, 20, 25, and 30 of Chapter 10 of Title 8 of the
29 Government Code should be revised to include a sunset provision,
30 which would repeal the article in fifty years, subject to a savings
31 clause as shown on page 13 of Memorandum 2020-59.
32 (*Commissioner Miller-O'Brien voted against this decision; Commissioner*
33 *Rubin was not present when the decision was made.*) The
34 accompanying Comment for each article should expressly state
35 that the savings clause applies to the repeal pursuant to the sunset
36 provision. (*Commissioner Rubin was not present when the decision was*
37 *made.*)
- 38 • Government Code Section 77210 should be revised to include a
39 sunset provision, which would repeal the section in fifty years,
40 subject to a savings clause as shown on page 13 of Memorandum
41 2020-59. The accompanying Comment should expressly state that
42 the savings clause applies to the repeal pursuant to the sunset

1 provision. (*Commissioners Carrillo and Rubin were not present when*
2 *the decision was made.*)

- 3 • The tentative recommendation should not propose any revisions
4 to Government Code Sections 69907 or 69909. (*Commissioner Rubin*
5 *was not present when this decision was made.*)
- 6 • Government Code Section 69893.7 contains material relating to
7 court reporter compensation, which is not ripe for cleanup (see
8 Minutes (Aug. 2020), p. 3). The Commission will wait to deal with
9 the section comprehensively when it is ready to consider the court
10 reporter compensation issues. (*Commissioner Rubin was not present*
11 *when this decision was made.*)

12 STUDY L-3032.5 — STOCK COOPERATIVES AND THE
13 UNIFORM TOD SECURITY REGISTRATION ACT

14 The Commission considered Memorandum 2020-61, which discusses the
15 development of a statute to allow for the nonprobate transfer of an owner's
16 interest in a stock cooperative. The Commission approved all of the staff
17 recommendations made in the memorandum.

18 STUDY X-100 — EMERGENCY-RELATED REFORMS

19 The Commission considered Memorandum 2020-64 and its First Supplement,
20 presenting a draft recommendation on the use of teleconferencing in common
21 interest development meetings during an emergency.

22 The Commission approved the draft as a final recommendation, with one
23 change. The following provision was added to the proposed law:

24 **Civ. Code § 4090 (amended). Board meeting**

25 4090. "Board meeting" means either of the following:

26 (a) A congregation, at the same time and place, of a sufficient
27 number of directors to establish a quorum of the board, to hear,
28 discuss, or deliberate upon any item of business that is within the
29 authority of the board.

30 (b) A teleconference, where a sufficient number of directors to
31 establish a quorum of the board, in different locations, are
32 connected by electronic means, through audio or video, or both. A
33 teleconference meeting shall be conducted in a manner that
34 protects the rights of members of the association and otherwise
35 complies with the requirements of this act. Except for a meeting
36 that will be held solely in executive session or conducted under
37 Section 5450, the notice of the teleconference meeting shall identify
38 at least one physical location so that members of the association
39 may attend, and at least one director or a person designated by the

1 board shall be present at that location. Participation by directors in
2 a teleconference meeting constitutes presence at that meeting as
3 long as all directors participating are able to hear one another, as
4 well as members of the association speaking on matters before the
5 board.

6 After legislation to implement the recommendation has been considered by
7 the Legislature, the Commission will revisit two related issues:

- 8 (1) Should a provision similar to proposed Section 5450 apply to an
9 association that does not have meeting space within its common
10 area?
11 (2) Should the substance of Section 4090(b) be relocated to place it
12 within the article that governs board meetings?

13 *(Commissioner Rubin was not present when those decisions were made.)*